

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

STRIKE 3 HOLDINGS, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>2:22-cv-13126-LVP-KGA</u>
)	
v.)	
)	
JOHN DOE infringer identified as using)	
IP Address 162.228.98.153,)	
)	
Defendant.)	
_____)	

**MOTION FOR LEAVE TO FILE UNREDACTED VERSIONS OF
PLAINTIFF’S FIRST AMENDED COMPLAINT, PROPOSED SUMMONS
AND RETURN OF SERVICE UNDER SEAL**

Plaintiff, Strike 3 Holdings, LLC (“Plaintiff”), respectfully moves the Court for leave to file unredacted versions of its First Amended Complaint, proposed summons, and return of service under seal, and states as follows:

1. Plaintiff is the owner of award-winning, critically acclaimed adult motion pictures. Strike 3’s motion pictures are distributed through the *Blacked*, *Tushy*, *Vixen*, *Tushy Raw*, *Blacked Raw*, and *Slayed* adult websites and DVDs.

2. Plaintiff recorded a number of infringing transactions emanating from IP address 162.228.98.153 within the BitTorrent network.

3. Accordingly, this Court recently permitted Plaintiff to serve a subpoena on the Internet Service Provider (“ISP”), AT&T Internet Services (“AT&T” or “ISP”), to discover the identity of the subscriber assigned the IP

address 162.228.98.153, the IP address used to download and distribute Plaintiff's works via the BitTorrent network.

4. After receiving the subpoena response, Plaintiff conducted a further investigation. Based on the investigation of the subscriber and publicly available resources, Plaintiff identified another individual residing in the subscriber's home as the true infringer/Defendant.

5. Although Plaintiff is aware of Defendant's identity, Plaintiff is sensitive to Defendant's privacy concerns and therefore, it opted to file its First Amended Complaint against Defendant pseudonymously within the caption of the case.

6. Although the caption does not contain Defendant's personal identifying information, the body of the First Amended Complaint contains such information. This information is central to Plaintiff's claim and includes the Defendant's name, address, and additional factual information which directly links the Defendant to the infringement in this case.

7. In the past, to avoid embarrassment to defendants, courts around the country have entered protective orders precluding Plaintiff from publicly disclosing defendants' identifying information. Accordingly, out of respect for this Court and Defendant, Plaintiff respectfully requests entry of an order permitting it to file an unredacted version of its First Amended Complaint, proposed summons,

and return of service under seal under seal so that it may include Defendant's name, address, and other factual information central to Plaintiff's claim.

8. None of the parties would be prejudiced by the granting of this request.

WHEREFORE, Plaintiff respectfully requests entry of an order permitting Plaintiff to file unredacted versions of its First Amended Complaint, proposed summons, and return of service under seal. A proposed order is attached for the Court's convenience.

Dated: March ____, 2023

Respectfully submitted,

**BOROJA, BERNIER &
ASSOCIATES PLLC**

/s/ Joel A. Bernier

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CERTIFICATE OF COMPLIANCE

LOCAL RULE CERTIFICATION: I, Joel A. Bernier, certify that this document complies with Local Rule 5.1(a), including: double-spaced (except for quoted materials and footnotes); at least one-inch margins on the top, sides, and bottom; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10½ characters per inch (for non-proportional fonts) or 14 point (for proportional fonts). I also certify that it is the appropriate length. Local Rule 7.1(d)(3).

/s/ Joel A. Bernier

By: JOEL A. BERNIER (P74226)